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FROM ARA-06

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***** BUENOS AIRES 5303

E.O. 11652: GDS

TAGS: SHUN, AR, PU/P

SUBJECT: HUMAN RIGHTS IMPROVEMENTS IN ARGENTINA

REF: STATE 102292

1. ALL OF US HERE WHO HAVE RESPONSIBILITY FOR NOTING ARGENTINE PROGRESS IN HUMAN RIGHTS OBSERVANCE, AND THOSE IN MISSION WHO HAVE THE BEST MEANS OF OBSERVING THE ARGENTINE WAR AGAINST THE GUERRILLA MOVEMENT, HAVE GIVEN CAREFUL CONSIDERATION TO REFLECT AND TO POSSIBLE EFFECTS SOME STATEMENT OF PRESIDENTIAL INTEREST AND ACKNOWLEDGMENT OF IMPROVEMENT HERE MIGHT HAVE. WE CONCLUDE THAT AN INITIATIVE INVOKING THE PRESIDENT'S NAME WOULD NOT BE ADVISABLE AT THIS TIME. THIS COURSE IS, HOWEVER, ONE WE MAY WANT TO TAKE IN THE VERY NEAR FUTURE.

2. WE AGREE THERE ARE ENCOURAGING SIGNS IN FACT THAT HUMAN RIGHTS VIOLATIONS, AND ARGENTINE EXCESSES IN THE WAR AGAINST TERRORISM HAVE DIMINISHED. IT IS ALMOST IMPOSSIBLE TO COMMENT ON A SIGNIFICANT SAMPLING OF THE 342 NAMES LISTED RECENTLY AS THOSE OF PERSONS RELEASED FROM CUSTODY HERE AND CITED BY REFLECT. WE CAN POINT, HOWEVER, TO KNOWLEDGE THAT THREE PRECISLY ON THIS LIST HAVE IN FACT GAINED THEIR FREEDOM. WHAT INTERESTS US EQUALLY IS FACT THAT THERE IS INCREASING OFFICIAL RECOGNITION THAT HUMAN RIGHTS ABUSES HAVE OCCURRED. AS WAR AGAINST TERRORISM WINDS DOWN, IT APPEARS TO US THAT THERE IS BETTER CONTROL BY THE GOVERNMENT OF THOSE OF ITS OWN FORCES WAGING THE WAR. WE FURTHER BELIEVE THAT GENERAL VIDELA AND HIS MODERATE MILITARY COLLEAGUES ARE GAINING INFLUENCE IN THE LONGER AND LARGER QUESTION OF WHO ULTIMATELY WILL RULE IN ARGENTINA. (SEE BUENOS AIRES 5280)

3. ON THE OTHER HAND, THERE IS MUCH THAT DISTURBS US. DISAPPEARANCE OF EIGHT PERSONS FROM PAR DEL PLATA, ALL LAWYERS OR WIVES OF LAWYERS, IS A BROODING SCANDAL WHICH DAILY ATTRACTS MORE ATTENTION HERE. OVER WEEKEND EMBASSY WAS GIVEN NEW INFORMATION CONCERNING HARASSMENT BY GOVERNMENT OFFICIALS OF RANKING WHICH MEMBERS. ALTHOUGH WE HAVE NO FIRM DATA ON THIS, WE CREDIT EFFORTS TO EFFECT THAT AT LEAST FIVE LABOR UNION LEADERS HAVE BEEN THREATENED WITH HARM UNLESS THEY PULL OUT OF LABOR AFFAIRS AND, ACCORDING TO ONE SOURCE, LEAVE THIS COUNTRY. THE STRAVER AFFAIR APPEARS TO BE HEADED TOWARD A PROSECUTION WHICH WE FEAR WILL BE UNSETTLING FOR THOSE WATCHING HUMAN RIGHTS PROGRESS IN ARGENTINA. "LA OPINION" FORMER EDITOR TIMPICHAN HAS, WE ARE TOLD, BEEN RECENTLY TRANSFERRED TO LA PLATA WHERE HE IS AGAIN BEING HELD INCOMMUNICADO AND AGAIN WE FEAR THE OUTCOME WILL BE DISTRESSING.

4. ALL THIS LEADS US TO HESITATE IN USING A PRESIDENTIAL ACKNOWLEDGMENT OF AN IMPROVING SITUATION, LEAST SUBSEQUENTLY WE DISCOVER THAT HUMAN RIGHTS GAINS HERE WERE "LUSORY." CHARGE WILL BE SETTING MINISTER OF ECONOMY MARTINEZ DE HOS TO QUESTION THE MINISTER WHAT ADVANCES IN HUMAN RIGHTS OBSERVANCES ARE. IN HIS OPINION, WE CAN OUR TAKING NOTE OF AND REPORTING TO OUR GOVERNMENT. CHARGE WILL AT THAT TIME TAKE NOTE OF SEVERAL "STEPS IN THE WIND" WHICH LEAD US TOWARD ENCOURAGEMENT.

5. A DECISION ON ANY POSITIVE COMMENTS ON THE LOCAL HUMAN RIGHTS SCENE SHOULD AWAIT THE REACTIONS OF THE MINISTER OF ECONOMY. CHAPLIN

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R.O. 11652: GDS
TAGS: SHUN, PDIP, AR
SUBJECT: US INTEREST IN HUMAN RIGHTS IMPROVEMENTS

REF: (A) STATE 162792, (B) BUENOS AIRES 5303

1. REF A INSTRUCTED THAT AN APPROACH BE MADE TO THE GOA AT AN APPROPRIATELY SENIOR LEVEL TO NOTE THE USG INTEREST IN RECENT GOA STEPS TO IMPROVE RESPECT FOR HUMAN RIGHTS. THE INSTRUCTION ALSO PROVIDED THAT, IF THE STEPS ANNOUNCED BY THE GOA AND REPORTED IN R.O. 4678 WERE REAL RATHER THAN COSMETIC, THE AMERICANS SHOULD BE MADE AWARE OF THE PRESIDENT'S INTEREST IN THESE AND CONTINUING STEPS TOWARD THE RESTORATION OF THE RULE OF LAW.

2. REF B CONCLUDED THAT THERE APPEARED TO BE A DETECTABLE TREND TOWARD IMPROVEMENT IN RESPECT FOR HUMAN RIGHTS, BUT DID NOT SPECIFICALLY ADDRESS THE POINT OF WHETHER THE GOA MEASURES CITED WERE REAL OR COSMETIC. AFTER ATTEMPTS BY ALL ELEMENTS OF THE COUNTRY TRY TO FOLLOW-UP ON THE SERIOUSNESS OF THE MEASURES ANNOUNCED BY THE GOA ON JUNE 19, WE HAVE NOW CONCLUDED THAT THEY DO HAVE SOME SUBSTANCE, BUT SHOULD NOT BE TAKEN ENTIRELY AT FACE VALUE. WE BELIEVE THAT SOME RESTRICTED FORM OF THE RIGHT OF OPTION TO LEAVE THE COUNTRY WILL BE FORMALLY REESTABLISHED, PERHAPS AS THE OPPORTUNITY TO "PETITION" TO LEAVE THE COUNTRY AS SOME EXISTS IN PRACTICE IF NOT IN LAW. THE SUPPRESSION OF CABILLO WAS NOT AS EXTENSIVE AS IT SEEMED, SINCE ONE OF THE TWO SUPPRESSED EDITIONS HAD ALREADY BEEN DISTRIBUTED. WE HAVE STILL BEEN UNABLE TO CONFIRM THE RELEASE OF ALL OF THE 342 PERSONS LISTED AS RELEASED BETWEEN MAY 77 AND JUNE 77. BOTH SY AND SPG SOURCES SAY THAT IT SEEMS LIKELY THAT MANY OF THESE PERSONS WERE RELEASED. WE HAVE CONFIRMED FOUR CASES ACTUALLY RELEASED AND ASSUME, AS HAS OCCURRED WITH OTHER RELEASE LISTS, THAT MANY OF THOSE LISTED AS NO LONGER BEING DETAINED UNDER EXECUTIVE POWERS HAVE BEEN FORMALLY CHARGED WITH SOME CRIME. (THE GOVERNMENT DID NOT PROVIDE A LIST OF PERSONS DETAINED DURING THE PERIOD COVERED BY THE 342 RELEASES.)

3. IN THE APPROXIMATELY SIX WEEKS SINCE JUNE 14, THE GOA HAS ISSUED THREE LISTS OF DETAINÉES AND RELEASEES UNDER THE EXECUTIVE POWER. THESE TOTAL 149 DETAINED AND 77 RELEASED. SOME OF THOSE RELEASED ON THE JULY 23 LIST WERE SHOWN AS HAVING BEEN APPREHENDED ON THE JULY 2 LIST. INQUIRIES OF THE PERMANENT ASSOCIATION FOR HUMAN RIGHTS, THE ICRC AND THE UNIVERSITY ELICITED NEITHER REJECTION NOR CONFIRMATION OF THE LISTS. THEY OBSERVED THAT MANY OF THE PERSONS ON THE JULY 14 LIST HAD BEEN IMPRISONED BY THE PREVIOUS GOVERNMENT, AND THAT THERE WERE MANY NAMES ON THE LIST FROM OUTSIDE BUENOS AIRES. THE LISTS OF APPARENT RELEASES SINCE JUNE 15 DO NOT SHOW ANY

PARTICULAR TRENDS. THE LACK OF A CLEAR POSITIVE TREND ON PRISONER RELEASES, THE DISAPPEARANCE OF RIBALDO SOLA, AND THE HARBORING OF LABOR LEADERS CONTINUE TO ARGUE AGAINST A CLOSE ASSOCIATION OF PRESIDENT CARTER WITH ANY SPECIFIC FAVORABLE DEVELOPMENT.

4. THE ECONOMY MINISTER, MARTINEZ DE HOZ, HAS THE OBVIOUS HIGH-LEVEL CHANNEL FOR EXPRESSION OF USG INTEREST. IN A MEETING WITH HIM ON JULY 22 THE CHARGE EXPRESSED OUR CONTINUING DEEP INTEREST IN STEPS TOWARD RESTORATION OF RULE OF LAW AND OUR INTEREST IN PROVIDING ANY FURTHER DETAILS RELATING TO THE STEPS ANNOUNCED JUNE 19. THE MINISTER SAID HE WAS NOT IN A POSITION TO GO INTO DETAILS ABOUT NUMBERS OF NAMES, BUT THAT HE WAS CONFIDENT THAT THE PROCEDURES ANNOUNCED ON JUNE 19 WERE GOING FORWARD. WHEN PRESSED FOR DETAILS, THE MINISTER SAID THE MATTER WAS OUTSIDE HIS AREA OF RESPONSIBILITY AND INDICATED THAT HE DID NOT WISH TO BECOME INVOLVED IN SPECIFICS. CHARGE NOTED THAT THE USG WAS PREPARED TO GIVE RECOGNITION TO FAVORABLE DEVELOPMENTS IN THE HUMAN RIGHTS AREA, AS WAS DONE BY OUR DIRECTOR AT THE WORLD BANK, AND WE HOPE THAT THE MINISTER MIGHT BE ABLE TO PROVIDE US WITH MORE SUCH INSTANCES. AS A FURTHER EVIDENCE OF OUR INTEREST AND WILLINGNESS TO RECOGNIZE FAVORABLE DEVELOPMENTS, CHARGE PROVIDED MINISTER WITH TELETYPE COPY OF PRESIDENT'S REMARKS AT TACCO CITY WHICH MENTIONED RELEASE OF ARGENTINE PRISONERS. MARTINEZ DE HOZ APPEARED INTERESTED BUT LIMITED HIS COMMENTS TO OBSERVING THAT IN ARGENTINA THOSE DETAINED ARE NOT CALLED POLITICAL PRISONERS.

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5. THOUGH MARTINEZ DE HOZ WAS UNWILLING TO DEAL IN SPECIFICS, HE DID EXPAND ON THE VALUE TO IMPROVE THE DIALOGUE BETWEEN THE TWO COUNTRIES AND DO MORE IN THE HUMAN RIGHTS FIELD WHICH WOULD FURTHER THAT END. HE SAID HE HOPED TO HAVE SOMETHING USABLE IN AN ANNOUNCEMENT PRIOR TO THE ARRIVAL OF PRESIDENT SECRETARY OF STATE. HE MIGHT SOMETHING SPECIFIC ON THE RIGHT OF OPTION THAT BE REACH QUICKLY, BUT WAS UNSURE. HE THEN CHANGED THE SUBJECT TO A NEW TOPIC CLARIFICATION OF A PUZZLING CASE HE HAD RECEIVED FROM THE ARGENTINE EMBASSY IN WASHINGTON REGARDING THE STATUS OF THE REUS AMBASSANT TO THE BULK PROVIDING FUNDING FOR IT'S.

6. ON TWO OTHER OCCASIONS EMBASSY OFFICERS HAVE RAISED WITH AN OFFICIAL OF THE PRESIDENCY THE USG INTEREST IN A FURTHER SPECIFIC STEP TOWARD THE RULE OF LAW. THESE EMBASSY CONVERSATIONS WERE NOT WITH LITTLE MORE THAN POLITE INTEREST.

7. COMMENTS: THE ARGENTINE RESPONSE IN THESE INSTANCES IS NOT PARTICULARLY ENCOURAGING. THE TACTIC OF EMPHASIZING INTEREST IN HUMAN RIGHTS ISSUES DID NOT ELICIT POSITIVE RESPONSES, FOR THIS IS AN AREA WHERE FEW WISH TO TAKE THE BLAME OR SHARE CREDIT.

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